

# Bereskin & Parr

INTELLECTUAL PROPERTY LAW

April 27, 2007

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Your Reference: 10/814,123  
Our Reference: 3244-126

Appl. No : 10/814,123 Confirmation No.: 8039  
Applicant : Zheng Zhang et al.  
Filed : April 1, 2004  
Title : PROTEIN COMPATIBLE METHODS AND COMPOUNDS FOR  
CONTROLLING THE MORPHOLOGY AND SHRINKAGE OF  
SILICA DERIVED FROM POLYOL-MODIFIED SILANES  
TC./A.U. : 1712  
Examiner : Kuo Liang Peng  
Docket No. : 3244-126 (formerly 571-932)  
Customer No. : 001059

## **FILED ELECTRONICALLY**

Honorable Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

## **TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION**

Sirs:

McMaster University, of 1280 Main Street West, Hamilton, Ontario, L8S 4L8, Canada, is the owner of the entire right, title and interest in (1) U.S. Patent Application Serial No. 10/814,123, filed on April 1, 2004 and entitled "Protein Compatible Methods and Compounds for Controlling the Morphology and Shrinkage of Silica Derived from Polyol-Modified Silanes", by virtue of an assignment recorded at Reel 017463, Frame 0776 on April 13, 2006 and (2) U.S. Patent Application Serial No. 10/449,511 filed on June 2, 2003 and entitled "Polyol-Modified Silanes as Precursors for Silica" by virtue of an assignment recorded at Reel 014533 Frame 0249 on April 27, 2004.

McMaster University, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of U.S. Patent Application Serial No. 10/449,511 and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal

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title to said patent shall be the same as the legal title to U.S. Patent Application Serial No. 10/449,511, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor, or assigns.

In making the above disclaimer, McMaster University does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the full statutory term of United States Patent Application Serial No. 10/449,511 as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certification, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Please charge our firm's Deposit Account No. 02-2095 in the amount of \$130.00 in respect of the fee required for the Terminal Disclaimer.

If any addition fees are required, please charge the fees to our Deposit Account No. 02-2095. This letter is enclosed in duplicate.

The undersigned is an agent of record in the application.

Respectfully submitted,

**BERESKIN & PARR**

A handwritten signature in cursive script, appearing to read 'P. Folkins', is written over a horizontal line.

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